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Attorneys for Defendant All Saints Retail Limited

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BLITZ NV, LLC,

Plaintiff,

vs.

ALL SAINTS RETAIL LIMITED,

Defendant.

Case No.: 2:21-cv-00089-GMN-EJY

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND TIME TO RESPOND
TO AMENDED COMPLAINT AND TO
CONTINUE RULE 26(F) SCHEDULING
CONFERENCE**

Defendant All Saints Retail Limited and Plaintiff Blitz NV, LLC, by and through their respective undersigned counsel, hereby stipulate as follows:

1. Plaintiff initiated this action by the filing of a summons and complaint on January 15, 2021. On March 9, 2021, Defendant filed a motion to dismiss [ECF No. 12], based on lack of personal jurisdiction, subject matter jurisdiction and for failure to properly serve Defendant with process.
2. In response, on March 23, 2021, Plaintiff filed a response to the Motion to Dismiss

1 asserting that the motion to dismiss be denied as moot or soon to be moot [ECF No.
2 19], the First Amended Complaint [ECF No. 18], along with a Motion to Extend Time
3 to Serve Process Upon Defendant All Saints Retail Limited Pursuant to FRCP 4(m)
4 (“Motion to Extend”) [ECF No. 20].

- 5 3. Thereafter, the parties continued to have settlement discussions, and as part of these
6 discussions, Defendant has agreed to waive service of the Summons and Complaint
7 pursuant to Rule 4(d). Defendant will promptly provide the appropriate, duly executed
8 waiver of service form, which will then be filed with this court. In light of the
9 agreement to waive of service, the parties agree that the Motion to Extend is moot.
- 10 4. To allow for continued settlement discussions, the parties have agreed to make
11 Defendant’s deadline to respond to the First Amended Complaint commensurate with
12 the referenced waiver of service form, which deadline will be on or before June 28,
13 2021. Such stipulation is without prejudice and with the express reservation of rights
14 by each party. Without limiting the foregoing, Defendant expressly reserves all
15 defenses and objections to the lawsuit, the court’s personal and subject matter
16 jurisdiction and the venue of this action, and Plaintiff expressly reserves all arguments
17 and allegations in connection with personal and subject matter jurisdiction and the
18 venue of this action.
- 19 5. Further, based on the filing of the Motion to Dismiss, the current date to hold the 26(f)
20 conference is April 8, 2021 and the Discovery Plan/Scheduling Order is currently due
21 by April 23, 2021. Commensurate with the settlement discussions and extending the
22 deadline to respond to the First Amended Complaint, the parties further request a thirty-
23 day continuance of these deadlines from the date of Defendant’s response to the
24 amended complaint, but no later than July 28, 2021 for the 26(f) conference and 14-
25 days thereafter to file the Discovery Plan/Scheduling Order .
- 26 6. There is currently no trial or hearings scheduled in this matter.
- 27
28

Dated this 31st day of March 2021

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Dated this 31st day of March 2021

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ORDER

IT IS SO ORDERED that:

1. Defendant's deadline to respond to the First Amended Complaint (ECF No. 18) will be June 28, 2021.
2. The current date to hold the 26(f) conference is continued until 30 days from Defendant's response to the First Amended Complaint, but no later than July 28, 2021, and the Discovery Plan/Scheduling Order would be due 14-days thereafter.
3. The Motion to Extend Time to Serve Process Upon Defendant All Saints Retail Limited Pursuant to FRCP 4(m) (ECF No. 20) is hereby DENIED as moot in light of Defendant's waiver of service.
4. The Stipulation and Order to Extend Time to Respond to Amended Complaint and to Continue Rule 26(F) Scheduling Conference (ECF No. 23) is GRANTED.


U.S. MAGISTRATE JUDGE